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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Prof. Richard C. Willson III )

and Dr. Jason Murphy )

Serial No.: 09/994,701 )

Filed: 11/06/2001 )

For: Nucleic Acid ...Metal Affinity Chromatography )

)Examiner

)Dr. Patrick S. Riggins

571 272 6102

Priority: Provis 60/246,292 )

)Room \_\_\_\_\_

Attorney Docket: 012AUS/UH2006 )

)Fax 571 273 8300

USPTO Customer Number: 26830 )

)Art Unit 1636

Response Due: **21 August 2005****AMENDMENT IN RESPONSE TO NOTICE OF NON-COMPLIANT  
AMENDMENT**

Commissioner for Patents

Box 1450 Group 1636

Arlington VA 22313-1450

[Ram R. Shukla Ph.D., Supervisory Examiner]

Sir:

In response to the Notice mailed 21 July 2005, consideration of the following remarks is solicited.

The undersigned Attorney certifies that this Document has been filed in the U.S. Post Office via fax to 1 571 273 8300 on 7 February 2006 (37 CFR 1.10).

A new substitute Amendments to the Claims section is enclosed herewith, showing proper status for each claim: [original, currently amended, cancelled, withdrawn, new, previously presented, not entered]. Only currently amended claims show amendments, by underlining additions and strike-through of deletions. Text of cancelled Claims is now deleted. Text of claims not currently amended is presented in clean version. 37 CFR 1.121.

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Claims 1-9 and 18-20 and 26 are provisionally withdrawn with traverse. Claims 10-17, 21-25 and 27-33 are elected. Claim 21, 27, 28, 33 are cancelled and Claims 34, 35, 36, 37 are added. Therefore the number of Claims is unchanged in this Amendment.

The Notice reads in part:

Continuation Sheet (PTOL-324)

Application No. 09/994,701

Continuation of 4(e) Other: In an effort to be as clear as possible, the following are the specifically noted problems With the claim listing leading to the confusion regarding the status of the claims. Claims 21, 27, 28, and 33 are labeled as canceled yet the text of the claims is still present. This is improper. \*

The text of cancelled Claims 21, 27, 28 and 33 has been deleted.

\*Claim 22 is labeled as Previously Presented, but this would seem impossible as claim 35 from which it depends is in fact a new claim and is thus necessarily amended. Claim 29 is labeled as Previously Presented. But appears to have an alteration to its dependency and thus at least one change. Please correct any other deficiencies regarding compliance with 37 C.F.R. 1.121 that may be present but not noted.\*

The status of Claims 22 and 29 has been revised to read "Currently Amended" and their changes in dependence noted.

The Examiner is thanked for helpfully citing the USPTO website:

<<[www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf](http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf)>>

regarding format of Amendments.